REMARKS

Applicant thanks the Examiner for considering the references cited with the Information

Disclosure Statement filed July 7, 2000.

Status of the Application

Claims 1-76 are all the claims pending in the Application, as claims 50-76 are hereby

added to more fully define the current invention. Claims 1-49 have been rejected.

Independent claims 1, 18 and 35 are hereby amended in a non-limiting manner to correct

informalities.

Drawings

The Examiner has objected to the Drawings for an informality. The informality noted by

the Examiner has been corrected by way of an amendment to the specification. Thus,

withdrawal of this objection is respectfully requested.

Indefiniteness Rejection

The Examiner has rejected claims 13, 16, 17, 29 and 33 as being indefinite under 35

U.S.C. § 112, second paragraph. The informalities noted by the Examiner have been corrected.

Thus, withdrawal of the rejection is respectfully requested.

Obviousness Rejection

The Examiner has rejected: (1) claims 1-14, 16-31, 33-47 and 49 under 35 U.S.C. §

103(a) as being unpatentable over *Carino, Jr. et al.* (US 5,930,786; hereinafter "*Carino*") in view

of *Egbert et al.* (US 6,115,387; hereinafter "*Egbert*"); and (2) claims 15, 32 and 48 under 35

U.S.C. § 103(a) as being unpatentable over *Carino* in view of *Egbert* in further view of what the

Examiner has labeled "Applicant's Admitted Prior Art" or "AAPA". These rejections are

respectfully traversed.

Carino discloses a database management system operating in a SQL-based environment

for providing stored object data to a requesting client (col. 1, lines 36-40). Specifically, *Carino*

discloses (see FIG. 2) an object relational database composed of a client interface 220, a

relational database management system ("RDBMS") 210, an object server 212, a primary

network 204, a federated coordinator 206, a virtual network 218 and receiver clients 258 (col. 4,

lines 1-5).

The client interface 202 provides an interface between the client 220 (where user 221

requests are submitted) and the federated controller 206. Client 220 sends structured query

language ("SQL") requests to federated controller 206 via the primary network 204 (col. 4, lines

6-17).

The federated controller 206 receives the SQL requests from the client 220, and prepares

execution plans (database management system commands) which are then transmitted to

RDBMS 210. RDBMS 210 then responds with an object locator identifying object data

responsive to the SQL request, and federated controller 206 compiles an answer set and transmits

it to the client over the primary network 204 (col. 5, line 46 - col. 6, line 4; col. 16, lines 46-65).

The federated controller 206 then receives a data request from client 220 including the

media object locator, and establishes a transport session so that objects may be transmitted to

client 220 or receiver client 258 (as directed by client 220) over the virtual network 218 (col. 5,

line 46 - col. 6, line 4; col. 16, lines 46-65).

In complete contrast to the database management system of *Carino*, *Egbert* discloses a

network switch used in a packet switched network (col. 3, lines 33-38). Specifically, *Egbert*

discloses (see FIG. 1) a switch 12 that selectively forwards data packets received from the

network stations 14 or 22 to the appropriate destination based upon Ethernet protocol (col. 3,

lines 50-53).

More specifically, the switch 12 receives frames (information) in internal MAC engines

50, reads header information on the frames to determine where the frames should be routed, and

generates a port vector, which directs the frame to each required port via port vector FIFO 70

(col. 6, line 55 - col. 7, line 33).

Thus, it is clear that *Egbert* discloses a physical switch that is used in networking

applications, and simply determines what ports to send data based upon instructions contained in

that data.

Independent Claims 1, 18 and 35

The Examiner takes the position that *Carino* discloses the recited "interface module"

(citing col. 4, lines 6-17 and FIG. 2 of *Carino*) and "connection manager" (citing col. 5, line 46 -

col. 6, line 4 and FIG. 2 of *Carino*) recited in claims 1, 18 and 35, but fails to teach or suggest

the "port module" recited in those claims. Applicant agrees that *Carino* fails to teach or suggest

the recited "port module."

Nevertheless, the Examiner applies *Egbert*, taking the position that it discloses: (1) "the

use of a port vector module dedicated to controlling port operations in the system and facilitating

the transmission of data;" and (2) "establishing a direct connection between the port vector

module and an interface module" (O.A., par. Bridging pgs. 3 and 4). The Examiner cites col. 2,

lines 4-47 of *Egbert* to support this position.

Additionally, the Examiner alleges that one of skill would have been motivated to modify

Carino in view of *Egbert* "in order to service the ports of the system to facilitate control of

transmission and reception of data through the ports." (O.A., pg. 4. 1st full par.).

In contrast, Applicants respectfully submit that one of skill would not have been

motivated to modify *Carino* in view of *Egbert* as the Examiner has alleged. It has long been

held that the Examiner must "show reasons that the skilled artisan, confronted with the same

problems as the inventor and with no knowledge of the claimed invention, would select the

elements from the cited prior art references for a combination in the manner claimed." *In re*

Rouffet, 47 USPQ2d 1453 (Fed.Cir. 1998). The mere fact that references can be "combined or

modified does not render the resultant combination [or modification] obvious unless the prior art

also suggests the desirability of the combination [or modification]." *In re Mills*, 916 F.2d 680

(Fed.Cir. 1990); MPEP §2143.01.

Here, *Carino* is directed towards a software based database management system that

passes queries and answer sets between a single client 220 and a single RDBMS 210, utilizing a

client interface 202 and federated coordinator 206.

In contrast, *Egbert* is directed to a robust physical network switch that directs information

packets between dozens of terminals in a large network setting.

Applicant respectfully submits that there is no teaching or suggestion that *Carino* would

have any need for the robust physical network switch of *Egbert*, at least in relation to software-

based client interface 202 and federated controller 206 (alleged by the Examiner to correspond to the recited "interface module" and "connection manager," respectively). Rather, *Egbert's* system would be more properly utilized for control of a LAN, which is not the object of *Carino*.

Thus, since neither *Carino* nor *Egbert* suggests any particular reason why any combination of these two references would be desirable, Applicant respectfully submits that one of skill at the time of the invention would not have been motivated to modify the database management system of *Carino* with the network switch of *Egbert*.

Additionally, even if it were possible to modify *Carino* in view of *Egbert* as the Examiner has alleged, Applicants respectfully submit that even such a resultant combination would fail to teach or suggest "providing at least one port module configured to interface between the interface module and the data source" and/or "establishing a direct connection between the interface module and the port module," as recited in independent claims 1, 18 and 35.

As an initial matter, Applicant notes that, although the Examiner alleges that *Egbert* discloses a "port vector module," the Examiner has not specified what portion of *Egbert* he believes discloses such a feature, or *why* such a feature would teach or suggest the recited "port module." Indeed, a "port vector module" is not even mentioned in *Egbert*.

Rather, the Examiner cites col. 2, lines 4-47 to support his belief that a "port vector module is disclosed." However, the cited section merely indicates that the invention therein is directed towards "a method of controlling initiation of forwarding of data from a device having multiple receive and transmit ports as a function of the data received at the device" (col. 2, lines

5-8), and that a port vector FIFO is provided to control the transmitting of data by way of

holding and transmitting data identifiers (col. 2, lines 24-47).

As the Examiner has only cited the broad disclosure above, and has not specifically

defined what feature of *Egbert* that he believes corresponds to the recited "port module,"

Applicant is left to guess as to the Examiner's intentions.

In any event, Applicant assumes, for the sake of this argument only, that the Examiner is

alleging that the port vector FIFO of *Egbert* somehow discloses the "port module" recited in the

independent claims.

However, even if the port vector FIFO of *Egbert* could be considered at all similar to the

recited "port module," Applicant respectfully submits that this feature cannot be considered as

being capable of being "configured to interface between the interface module and the data

source."

Specifically, the port vector FIFO of *Egbert*[1] reactively directs various data between

network terminals 14 and 22 via network switch 12 according to instructions included with that

data. There is no teaching or suggestion that it is capable of "interfacing" with any other

portions of switch 12, let alone with client interface 202 of *Carino* (alleged by the Examiner to

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[1] The Examiner has conceded the *Carino* fails to teach or suggest any "port module." Thus, he must rely upon *Egbert* so show this feature.

correspond to the recited "interface module").[2] Rather, port vector FIFO only acts upon receipt of data.

Similarly, as port vector FIFO cannot reasonably be read as "interfacing" with client interface 202 of *Carino*, it also cannot be read as being capable of directly connecting with client interface 202. In contrast, as discussed above, port vector FIFO is a control system for data transmission within switch 12. It does not, by its very nature, directly connect to any module outside the switch, as its job is finished when the data arrives at the port on its way out of the switch 10.

Thus, Applicant respectfully submits that independent claims 1, 18 and 35 are patentable over the applied references. Further, Applicant respectfully submits that rejected dependent claims 2-17, 19-34 and 36-49 are allowable, *at least* by virtue of their dependency.

Thus, Applicants respectfully request that the Examiner withdraw this rejection.

New Claims

Claims 50-76 are hereby added. Claims 50-76 are fully supported *at least* by pages 13-16 of the instant Application. Claims 50-76 are respectfully submitted to be allowable by virtue of their recited features.

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[2] The Examiner seem to be alleging that a portion of switch 12 of Egbert also somehow discloses an interface module. Of course, this is inconsistent with the Examiner's earlier identification of the interface module as being a portion of *Carino*.

Conclusion

In view of the foregoing, it is respectfully submitted that claims 1-76 are allowable.

Thus, it is respectfully submitted that the application now is in condition for allowance with all

of the claims 1-76.

If any points remain in issue which the Examiner feels may be best resolved through a

personal or telephone interview, the Examiner is kindly requested to contact the undersigned at

the telephone number listed below.

Please charge any fees which may be required to maintain the pendency of this

application, except for the Issue Fee, to our Deposit Account No. 19-4880.

Respectfully submitted,

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